

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

Claim Amendments/Status

Claims 1-32 remain pending in the application. Claim 1 is amended solely to improve claim language.

Substitute Specification

A substitute specification is required in proper idiomatic English to correct alleged grammatical and idiomatic errors. Applicant respectfully traverses this requirement.

Applicant is unaware of any grammatical or idiomatic errors in the specification. Rather, the specification appears to Applicant to be well written in proper English language.

Accordingly, this requirement should be withdrawn. Further, if the requirement of a substitute specification is maintained in a subsequent Office Action, Applicant respectfully requests that the requirement be amplified with specific examples of the alleged grammatical and idiomatic errors contained therein.

Figure 1 Legend

A “Prior Art” legend is suggested for Fig. 1. Applicant respectfully traverses this suggestion.

Applicant submits that although the subject matter depicted in Fig. 1 is discussed in a section of the specification entitled “Background Art” on page 1, this subject matter does not qualify as “prior art” in the United States under § 102. In other words, Applicant is unaware of any embodiment of the “Background Art” being published, on sale, or publicly used in a manner that would constitute prior art pursuant to 35 U.S.C. § 102. Applicant cannot

therefore, represent that the “background” technology qualifies as prior art, and the suggestion that Applicant do so with a legend on Fig. 1 should be withdrawn.

Claim Rejection - 35 U.S.C. §112, 1st Paragraph

Claims 1-32 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully traverses this rejection.

The rejection alleges that claim 1, step (c) is insufficiently disclosed in the specification. The rejection makes essentially the same allegation regarding claim 1, step (d) and claim 1, step (e). Applicant respectfully disagrees with this allegation for at least the following reasons.

The foregoing subject matter is depicted quite clearly in Fig. 5 at S506, S508, S510 and S512. This is discussed in the specification by two full pages of text from page 25, line 21 through page 27, line 19. Applicant respectfully submits that the foregoing disclosure in the specification is a clear and sufficient disclosure of the subject matter recited in claim 1, step (c) through step (e).

More specifically regarding step (d), the rejection alleges that it is not clear how “phase” is compared to “code” to responsively transmit PN code phase. As a preliminary matter, Applicant notes that the claim does not recite “responsively” as characterized by the rejection. Regarding the other portions of step (d) referred to in the rejection, these are disclosed in the specification at least at steps S508 and S510 of Fig. 5, and at page 26, lines 1-8.

Further, claim 1 is amended to correct a minor typographical error with respect to one of recitations of “pseudo noise code phase” in step (d). Applicant believes that correct this minor typographical error addresses the issues raised in the rejection with respect to step (d) of claim 1.

More specifically regarding step (e), the rejection alleges that it is insufficiently disclosed how location information is obtained on the basis of a phase from the GPS terminal. This is disclosed in the specification at least at step S512 of Fig. 5, and discussed at least from page 26, line 9 to page 27, line 19. In particular, the specification gives the following example of this subject matter recited in step (e) of claim 1.

“The location information associated database 320 stores respective offset differences added to a plurality of LD pilot signals generated from the LD 302, wherein respective offset differences correspond to the location information. . . .” *See* page 26, lines 16-23. While the foregoing example of the subject matter recited in step (e) of claim 1 is not intended to limit the scope of the claim, Applicant respectfully submits that it is an enabling disclosure of that subject matter.

The Office Action does not discuss claims 2-16 and 30 in connection with this rejection. Thus, Applicant believes that the basis for including claims 2-16 and 30 in the rejection is solely the dependency of those claims from claim 1. Therefore, claims 2-16 and 30 comply with the requirements of 35 U.S.C. § 112, first paragraph, for the reasons stated above in connection with claim 1.

Regarding claims 17-30 and 32, the basis for including these claims in the rejection is not entirely clear to Applicant. They are not discussed in the rejection. However, it appears that paragraph 16 of the Office Action may be intended to indicate that the basis for rejecting these claims 17-30 and 32 is the same as that described for claims 1-16 and 31, discussed above. Thus, the basis for traversing this rejection with respect to claims 17-30 and 32 is also the same as that described above for claims 1-16 and 31. Accordingly, the rejection should be withdrawn.

Claim Rejection - 35 U.S.C. §112, 2nd Paragraph

Claims 1-32 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the specified reasons. Applicant respectfully traverses this rejection.

Regarding “location detectors,” Applicant believes this is a reference to subject matter in the preamble of claim 1, step (a) of claim 1, and in the first element positively recited in claim 17. With respect to the recitations of a location detector recited in the claims at the foregoing locations, Applicant notes that the claim feature finds positive antecedent basis in the original application, i.e., page 1, line 9 of the specification establishes the acronym “LD” for a location detector.

The specification goes on to make reference to one or more LDs with respect to several structural elements shown in Fig. 3 and Fig. 4, and with respect to several method

steps shown in Fig. 5. This subject matter is discussed at length in the specification in connection with the foregoing elements depicted in Figs. 3-5. Similarly, offsets correspond to the phase differences clearly depicted in Fig. 4 and discussed in the specification in connection therewith.

Thus, Applicant submits that the specification definitely establishes the meaning of the phrases “location detector” and “offset” as recited in the rejected claims.

Regarding the recitation of “allowing” in claim 1, the claim is amended to delete the recitation and more positively recite that the action of step (a) is obtaining, not allowing. Applicant submits that the step of obtaining is definite according to the requirements of 35 U.S.C. § 112, second paragraph.

Regarding the recitation of “transmitting information” in step (b) of claim 1, Applicant notes that the claim feature finds positive antecedent basis in the original application, i.e., the specification discusses this subject matter by nearly a full page of text from page 24, line 22 through page 25, line 20. Applicant notes that the example of transmitting information discussed at length in the specification is not intended to limit the scope of transmitting information recited in the claims. Thus, Applicant submits that the phrase “transmitting information” as recited in the rejected claims is definite in view of the Specification.

Regarding step (c) of claim 1, the claim feature finds positive antecedent basis in the original application, i.e., step S506 of Fig. 5 and the specification at page 25, lines 21-26. Multiple references are made therein to disclosure earlier in the specification as well. Thus, Applicant submits that step (c) is definite in view of the Specification.

Regarding claim 16, the alleged contradiction with claim 1 is rendered moot in that the recitation in claim 1 forming the basis for the rejection of claim 16 is deleted by this Amendment. Accordingly, the rejection should be withdrawn. The apparatus claims are definite for at least the reasons presented supra.

Claims 1-15, 17-29, 31 and 32 are rejected under 35 U.S.C. §102(e) as being anticipated by Stein et al. (U.S. Patent No. 7,139,580), hereinafter as Stein. Applicant respectfully traverses this rejection.

Regarding claim 1, Applicant submits that the cited portions of Stein do not appear to fairly disclose “calculating a chip-based pseudo noise code phase from the information on the reference pilot signal or the LD pilot signals transmitted to the PDE” (emphasis added). The cited portions of Stein appear to disclose other elements recited in claim 1, but appear to be devoid of any disclosure of the subject recited in claim 1 and quoted above. Further, Stein appears to disclose transmission of codes of received signals from repeaters to the PDE, which uses this to determine a location of the terminal in association with a data storage unit that maps the repeaters, including associated offsets. However, this is not a disclosure of, “calculating a chip-based pseudo noise code phase” as recited in claim 1.

Regarding claim 17, Applicant submits that the cited portions of Stein do not appear to fairly disclose “calculating a chip-based pseudo noise code phase from the information on the reference pilot signal or the LD pilot signals received from the GPS terminal” (emphasis added). The cited portions of Stein appear to disclose other elements recited in claim 17, but appear to be devoid of any disclosure of the subject recited in claim 17 and quoted above. Further, Stein appears to disclose transmission of codes of received signals from repeaters to the PDE, which uses this to determine a location of the terminal in association with a data storage unit that maps the repeaters, including associated offsets. However, this is not a disclosure of, “calculating a chip-based pseudo noise code phase” as recited in claim 17.

In addition, claims 2-15, 18-29, 31 and 32 depend, either directly or indirectly, from claim 1 or 17, include further important limitations, and are patentable over Stein for at least the reasons set forth above with respect to claim 1 or 17, and accordingly, the rejection should be withdrawn.

Indication of allowable subject matter of claims 16, 30 in the absence of art rejections is requested.

Conclusion

Each of the Examiner's rejections has been traversed / overcome. Accordingly, Applicant respectfully submits that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited. The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP

/Yoon S Ham/

Yoon S. Ham

Registration No. 45,307

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
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